

REMARKS/ARGUMENTS

This case has been carefully reviewed and analyzed in view of the Office Action dated 18 July 2007. Responsive to the Office Action, Claims 21, 24 and 28 have been amended and Claim 22 has been cancelled by this Amendment. Claims 1-20, and 25-26 were previously cancelled.

In the Office Action, the Examiner rejected Claims 21-24 and 27-38 under 35 U.S.C. §103(a) as being unpatentable over Lehtonen (U.S. Patent Application Publication No. 2001/0049262), in view of Hahn (U.S. Patent No. 6,230,029), Ankevar et al. (U.S. Patent Application Publication No. 2002/0068610) and Hung et al. (U.S. Patent Application Publication No. 2005/0010699).

Before discussing the prior art, it is believed to be beneficial to first briefly discuss the structure of the invention of the subject Patent Application, as now claimed. The invention of the subject Patent Application is directed to a mobile storage device. The device includes an outer shell and a memory control module disposed within the outer shell and electrically connected to at least one memory device. The device includes an MP3 processing module disposed within the outer shell and electrically connected to the memory control module for processing an MP3 digital data. The processing module includes a decoding chip for decoding MP3 digital data being stored in the memory into a voice signal and an encoding chip for encoding a voice signal into MP3 digital data to be stored in

the memory device. The mobile storage device further includes an earphone electrically connected to the MP3 processing module for receiving the voice signal therefrom, and a microphone electrically connected to the MP3 processing module for transmitting the voice signal thereto. The device includes a Bluetooth earphone module removably insertable into an opening in the outer shell. The Bluetooth earphone module is electrically connected to the memory control module and the MP3 processing module responsive to insertion into the opening in the outer shell for establishing wireless transmission of digital data. The wireless transmission function of the mobile storage device is disabled responsive to removal of the Bluetooth earphone module from the opening in the outer shell. Further, the device includes an electronic control switch electrically connected to the Bluetooth earphone module, the MP3 processing module, the earphone and the microphone. The electronic control switch automatically connects either the earphone to the MP3 processing module or the earphone and microphone to the Bluetooth earphone module. By that arrangement, the mobile storage device provides exchanges audio signals with the earphone and microphone coupled thereto, or alternately the audio signals are exchanged between the earphone and microphone and a Bluetooth earphone module that is removably received in an opening in the outer shell of the device, or alternately exchanges digital data between the Bluetooth earphone module and the memory control module or the MP3 processing module. The device of the instant invention allows a user to

selectively communicate wirelessly by whether or not a Bluetooth earphone module is inserted into the device.

In contradistinction, the Lehtonen reference is directed to headset 21 with an electronics module 27 that includes a Bluetooth transceiver BT2 for communicating wirelessly to a cellular telephone 22. The electronic module further includes a processing unit that includes a memory and functions as an MP3 player. Thus, the headset 21 is a Bluetooth earphone module that includes an MP3 player in order that "...a separate, bulky MP3 player module no longer has to be fastened to the terminal...", Page 2, ¶ 0019. Nowhere does the reference disclose or suggest an MP3 player having a earphone and microphone, and into which is removably received a **Bluetooth earphone module** to provide a wireless function.

Therefore, Lehtonen fails to disclose the combination of a memory control module disposed within the outer shell and electrically connected to at least one memory device; an MP3 processing module disposed within the outer shell and electrically connected to the memory control module for processing an MP3 digital data; an earphone electrically connected to the MP3 processing module for receiving the voice signal therefrom; a microphone electrically connected to the MP3 processing module for transmitting the voice signal thereto; and a Bluetooth earphone module removably insertable into an opening in the outer shell, the Bluetooth earphone module being electrically connected to the memory control module and the MP3 processing module responsive to insertion into the opening in

the outer shell for establishing wireless transmission of digital data, the wireless transmission function of the mobile storage device being disabled responsive to removal of the Bluetooth earphone module from the opening in the outer shell, as now claimed. In fact, as discussed above, Lehtonen teaches away from a separate MP3 player and Bluetooth earphone module, removable or not. Thus, Lehtonen cannot provide motivation for incorporation of removable Bluetooth earphone modules for an MP3 player.

Further, Lehtonen fails to disclose or suggest an electronic control switch electrically connected to the Bluetooth earphone module, the MP3 processing module, the earphone and the microphone, wherein the electronic control switch automatically connects either the earphone to the MP3 processing module or the earphone and microphone to the Bluetooth earphone module, as claimed. The reference discloses the headset being in wireless communication with a mobile phone and allows the user to switch from listening to music to answering a call by manually displacing the microphone to a use position or depressing an answer button. Nowhere does the reference contemplate automatically switching from music to a call or suggest the desirability thereof. Hereto, the reference teaches away from such a combination.

The Hahn et al. reference does not overcome the deficiencies of Lehtonen. The Hahn et al. reference is directed to a modular wireless headset system for use with a telephone. The wireless headset 10 includes an ear piece 13 into which a

transceiver module 20 and battery module 22 are removably received. A rotating boom 16 and flexible ear hook 12 are also removably attached. The removability of the various modules allows for substitution of components to provide different configurations, Col. 4, lines 44-51. Without a transceiver module, the device would be totally non-functional. Thus, while one might substitute a transceiver module of one operating frequency for one operating on another frequency, the wireless headset would not be a headset at all, without a transceiver module of some type.

Therefore, the Hahn et al. reference provides no motivation for removing the Bluetooth transceiver from the headset of Lehtonen, as that is the key feature of the device, the combination of an MP3 player and Bluetooth headset.

The Hung et al. reference does not overcome the deficiencies of Lehtonen combined with Hahn et al. The Hung et al. reference discloses an MP3 player with a USB interface. The disclosed player includes a microphone and uses the MP3 codec 160 to record voice data that is stored in the flash memory 144. However, nowhere does the Hung et al. in combination with Lehtonen and Hahn et al. disclose or suggest the concatenation of a memory control module disposed within the outer shell and electrically connected to at least one memory device; an MP3 processing module disposed within the outer shell and electrically connected to the memory control module for processing an MP3 digital data; an earphone electrically connected to the MP3 processing module for receiving the voice signal

therefrom; a microphone electrically connected to the MP3 processing module for transmitting the voice signal thereto; and a Bluetooth earphone module removably insertable into an opening in the outer shell, the Bluetooth earphone module being electrically connected to the memory control module and the MP3 processing module responsive to insertion into the opening in the outer shell for establishing wireless transmission of digital data, the wireless transmission function of the mobile storage device being disabled responsive to removal of the Bluetooth earphone module from the opening in the outer shell, as now claimed.

The Anvekar et al. reference does not overcome the deficiencies of Lehtonen combined with Hahn et al. and Hung et al. The Anvekar et al. reference is directed to a method and apparatus for selecting a source device and content delivery via wireless connection. A wireless headset can be selectively wirelessly coupled to one of several devices, such as an MP3 player and a cellular telephone. However, like Lehtonen, this reference discloses the manual selection of a source, rather than automatic switching to a cellular telephone. As shown in the flow chart of FIG. 5, the user switches the wireless connection from the MP3 player to the cellphone by pressing a key or speaking into the microphone (block 540). Such disclosure clearly teaches away from the automatic switching scheme of the instant invention.

As no prior art reference discloses or suggests the automatic switching of the present invention, it can only be through the improper use of “hindsight” that

the Examiner suggest the obviousness of the claimed limitation, using Applicant's own disclosure as a "blueprint" for the combination suggested by the Examiner.

Hence the combination of Lehtonen, Hahn et al., Hung et al. and Anvekar et al. fails to disclose or suggest, and in fact teach away from the concatenation of limitations that include a memory control module disposed within the outer shell and electrically connected to at least one memory device; an MP3 processing module disposed within the outer shell and electrically connected to the memory control module for processing an MP3 digital data; an earphone electrically connected to the MP3 processing module for receiving the voice signal therefrom; a microphone electrically connected to the MP3 processing module for transmitting the voice signal thereto; a Bluetooth earphone module removably insertable into an opening in the outer shell, the Bluetooth earphone module being electrically connected to the memory control module and the MP3 processing module responsive to insertion into the opening in the outer shell for establishing wireless transmission of digital data, the wireless transmission function of the mobile storage device being disabled responsive to removal of the Bluetooth earphone module from the opening in the outer shell; and an electronic control switch electrically connected to the Bluetooth earphone module, the MP3 processing module, the earphone and the microphone, wherein the electronic control switch automatically connects either the earphone to the MP3 processing

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module or the earphone and microphone to the Bluetooth earphone module, as

now claimed.

For all the forgoing reasons, it is now believed that Independent Claim 21 has been placed in condition for allowance and such action is respectfully requested. Further, while it is believed that the claims dependent on Claims 21 add further patentably distinct limitations, but are at least patentably distinct for the same reasons as the independent claim upon which they ultimately depend.

No fees are believed to be due with this Amendment. If there are any charges associated with this filing, the Honorable Commissioner for Patents is hereby authorized to charge Deposit Account #18-2011 for such charges.

Respectfully submitted,
For: Rosenberg Klein & Lee



David I. Klein
Registration No. 33,253

Dated: 1/3/2008

Rosenberg, Klein & Lee
3458 Ellicott Center Drive, Suite 101
Ellicott City, MD 21043
(410)465-6678
Customer No. 04586